

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18113 of 2004

Between:

Dande Subba Rayudu, S/o. Bhusanna,
R/o. D.No.19/14, Gudipatigadda, Nandyal,
Kurnool District. PETITIONER

AND

- 1 The District Collector, Kurnool.
- 2 The Revenue Divisional Officer cum land Acquisition Off, Nandyal,
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 2nd respondent in referring the case of the petitioner under Section 28-A of the land Acquisition Act to the 1st respondent for re-determining the market value as per the award passed by the Subordinate Judge, Nandyal, Kurnool District in O.P.No.28 of 1992, dated 1.12.1997 as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner : Mr.P.VENGALA REDDY

Counsel for the Respondents: G.P. FOR LAND ACQUISITION

The Court made the following :

ORDER:

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Heard the learned counsel for petitioner and the learned Government Pleader for Land Acquisition and both of them agreed for disposal of the writ petition at the admission stage.

Assailing the action of the second respondent in not referring his case under Section 28-A of the Land Acquisition Act to the first respondent for re-determining the market value as per the Award passed by the Subordinate Judge, Nandyal, Kurnool district in O.P.No.28 of 1992 dated 1.12.1997, the present writ petition is filed.

The petitioner who claims to be owner of land to an extent of Ac.1.87 cents in Sy.No.362/3 B1 situated at Moolasagram village was acquired by the second respondent by fixing the market value of Rs.6,000/- per acre vide award No.22/86 dated 23.9.1986 and the petitioner protested for the same. The grievance of the petitioner is that the second respondent did not refer the matter to Civil Court on the ground that petitioner did not file petition under Section 18 of the Land Acquisition Act and that in the same award, second respondent also acquired lands of others and referred their cases to Civil Court under Section 18 of the Land Acquisition Act and the same was numbered as O.P.NO.28 of 1992 on the file of the Subordinate Judge, Nandyal and the learned Subordinate Judge enhanced the compensation from Rs.6,000/- to Rs.40,000/- per acre by order dated 1.12.1997. On coming to know about the enhancement, petitioner made application on 1.3.1998 under Section 28-A of the Land Acquisition Act for re-determination of the market value on par with the claimants in O.P.No.28 of 1992. On such application, the second respondent issued endorsement dated 28.2.1999 stating that against the order passed by the reference Court in O.P.No.28 of 1992, the Government preferred appeal in A.S.No.553 of 1998 before the High Court and the same is pending and further action will be taken after the disposal of the said appeal. The petitioner complaint is that even after dismissal of the said appeal by the High Court and the Special Leave Petition against the same was also dismissed by the Supreme Court, the respondents so far have not taken any steps to re-determine the compensation.

Having regard to the fact that the appeal filed against O.P.No.28 of 1992, on the

basis of which the petitioner sought re-determination, was dismissed by the Division Bench of this Court on 2.8.2000 along with other batch of appeals and the SLP against the same was also dismissed by the Supreme Court, the respondents are under obligation to consider the application of the petitioner filed under Section 28-A of the Land Acquisition for re-determination of the compensation.

In the circumstances, the writ petition is disposed of directing the respondents to re-determine the compensation on the application filed by the petitioner under Section 28-A of the Land Acquisition Act dated 1.3.1998 as per their Endorsement in R.C.G.No.410/94 dt.28.2.1999, within a period of two months from the date of receipt of a copy of this order. On such re-determination, the differential compensation shall be paid to the petitioner. No order as to costs.

A.GOPAL REDDY, J

Date: 6.10.2004

DA

To

- 1 The District Collector, Kurnool.
- 2 The Revenue Divisional Officer cum land Acquisition Off, Nandyal,
Kurnool District.
- 3 Two CCs to the G.P. for Land Acquisition, High Court Buildings,
Hyderabad (OUT).
- 4 Two CD copies.